

Utah Sentencing Commission Presentation



Utah Board of
Pardons & Parole



Utah Board of Pardons & Parole
April 6, 2016



Overview

**1. Legislative
Audit**

**2. Justice
Reinvestment
Initiative**

**3. Progress
and Moving
Forward**



Utah Board of
Pardons & Parole



Section 1: Legislative Audit



Legislative Audit Recommendations

In February 2016, BOPP received the results of a legislative audit. The main recommendations included:

1. Adopt Proven Practices

Create a BOPP
policy of
documented
philosophy

Adopt a
structured
decision making
tool

Create and
implement a
new rationale
sheet

Adopt the
ten practice
targets outlined
by the National
Parole Resource
Center



NPRC Ten Practice Targets

1. Use good, empirically-based actuarial **tools to assess risk and criminogenic needs** of offenders.
2. Develop and use clear, **evidence-based**, policy-driven **decision-making tools**, policies, and guidelines that reflect the full range of a paroling authority's concerns.
3. Maintain meaningful partnerships with institutional corrections and community supervision to encourage a **seamless transition process** and the availability of sound, **evidence-based programs**.
4. Use their influence and leverage to target institutional and community resources to **mid- and high-risk offenders** to address their criminogenic needs.
5. Consider for **release at the earliest stage possible**—in light of statutes and other sentencing interests—**offenders assessed as low risk**.



NPRC Ten Practice Targets

6. Use the parole hearing process as an opportunity to—among other goals—**enhance offender motivation to change**.
7. Fashion condition-setting policy to **minimize requirements on low-risk** offenders, and **target conditions to criminogenic needs** of medium- and high-risk offenders.
8. Develop policy-driven, **evidence-informed responses to parole violations** that incorporate considerations of risk, address criminogenic need and severity, assure even-handed treatment of violators, and use resources wisely.
9. Develop and strengthen **case-level decision-making skills** in these areas.
10. Develop and strengthen **agency-level policy making**, strategic management and performance measurement skills.



Legislative Audit Recommendations

2. Improve Planning, Oversight, & Structure

Develop a strategic plan

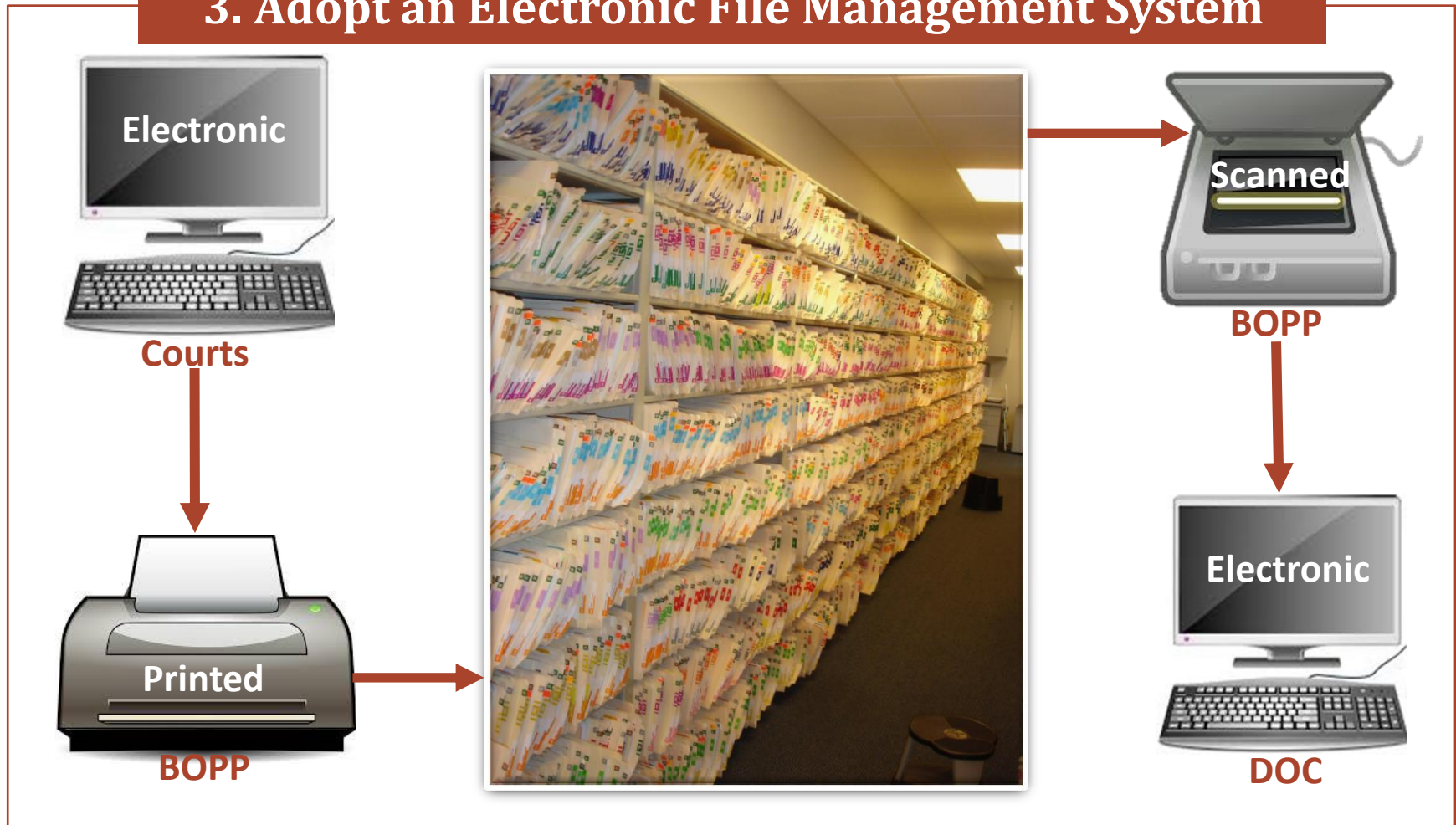
Create and monitor key data and performance measures

Increase transparency by providing additional information on processes

Perform organizational restructuring to maximize operational improvement

Legislative Audit Recommendations

3. Adopt an Electronic File Management System





Legislative Audit Recommendations

4. Implement Process Efficiencies

Streamline process for paroling less serious, low-risk offenders

The diagram consists of two large, dark blue, curved arrows that form a circular loop. The top arrow points to the right and contains the text "Streamline process for paroling less serious, low-risk offenders". The bottom arrow points to the left and contains the text "Work with the legislature and BCI to review whether expungement eligibility should be expanded".

Work with the legislature and BCI to review whether expungement eligibility should be expanded



Legislative Audit: Moving Forward

BOPP appreciates the recommendations of the legislative auditors and is working to implement the recommendations:

1. Developing clearer rationale sheet
2. Working with GOMB on first steps of electronic conversion process
3. Collaborating with DTS and DOC to incorporate electronic solutions
4. Identifying internal financial and agency resources to assist with the transition to electronic records
5. Improving procedural justice through certified interpreters
6. Organizational Restructuring through DHRM
7. Working with National Parole Resource Center to adopt practice targets
8. Collecting and using data in management decisions
9. Developing Structured Decision Making and incorporating risk assessments
10. Creation of deputy director position



Legislative Audit: Necessary Future Support

Ongoing Implementation of the Audit

- Many of the recommendations may require multiple years to implement and the ongoing support of partners such as CCJJ
- BOPP is focused on permanent system improvements rather than temporary fixes

Necessary Future Support

- Transition to electronic records
- BOPP is identifying internal resources and seeking to be efficient
- Additional financial resources will be necessary, including ongoing funds



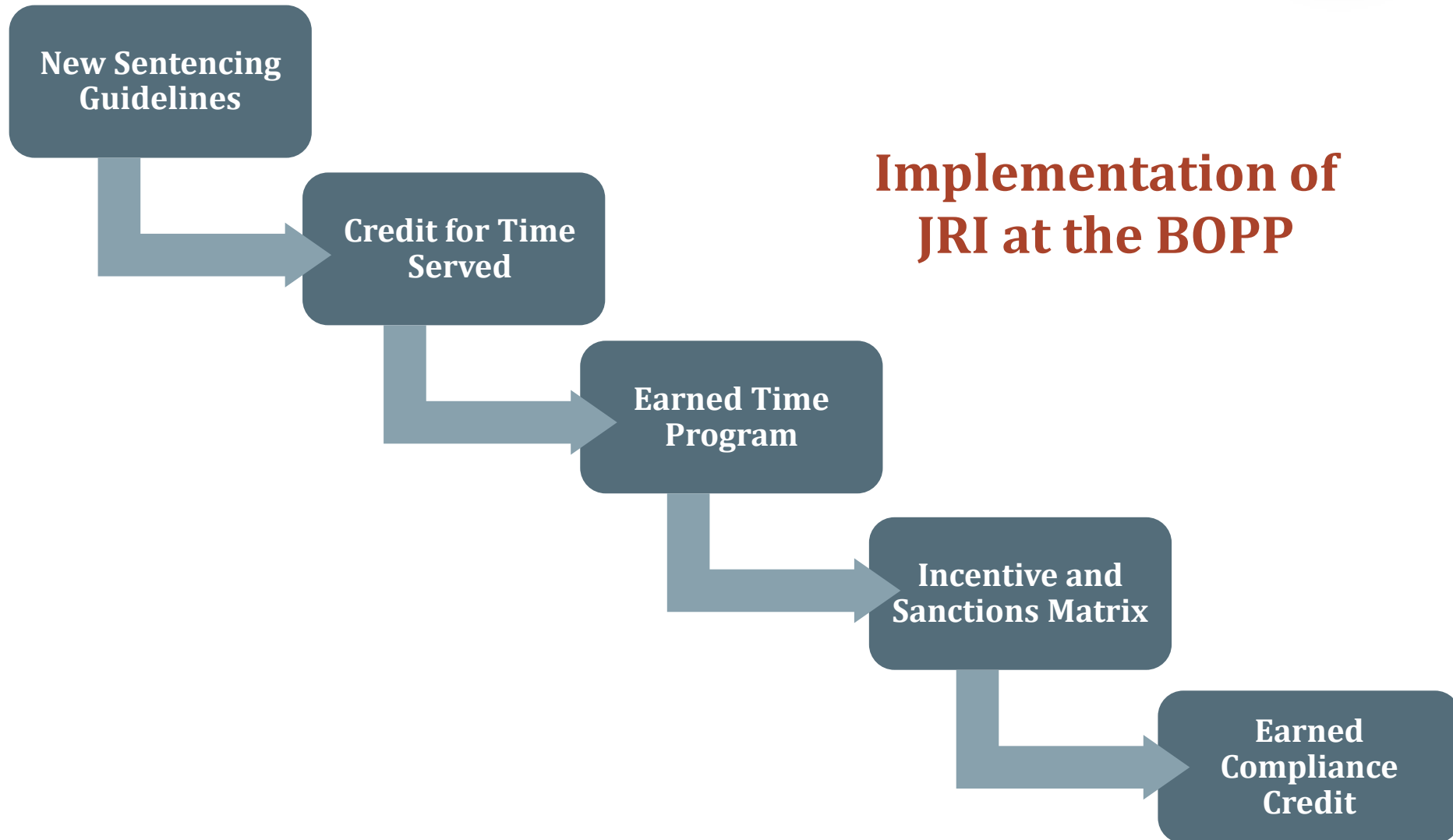
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Section 2: Justice Reinvestment Initiative

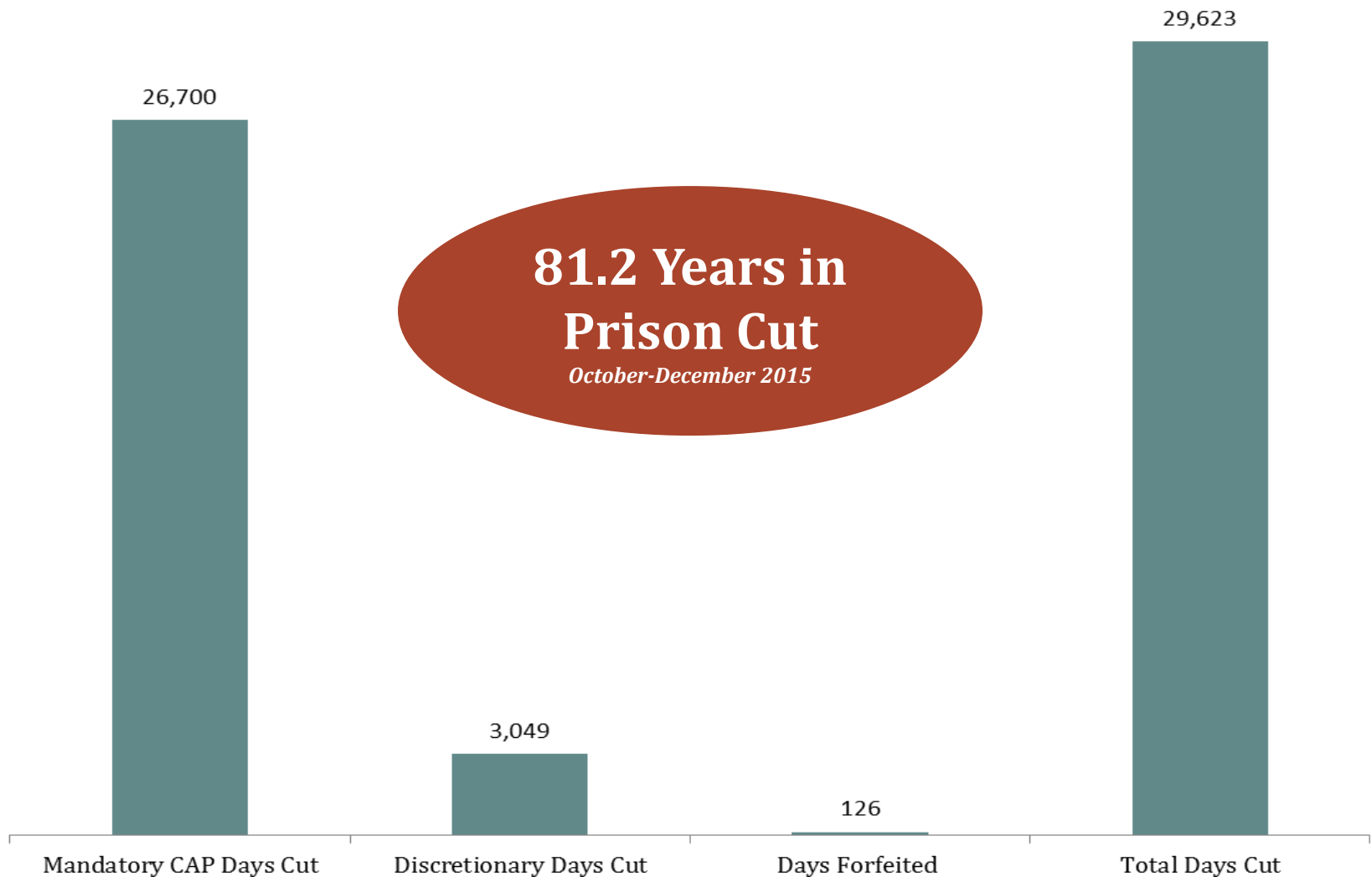


Justice Reinvestment Initiative





Earned Time Credit Program





PV Guideline Exceptions

FORM 10 – GRADUATED SANCTIONS

These are guidelines only. They do not create any right or expectation on behalf of the offender. This is a non-exhaustive list of options which may or may not be available dependent upon resources. Any non-incarceration response is always available to the Court or Board of Pardons and Parole. The inclusion of the graduated incarceration caps is intended as a maximum but should not be the default response.

		Probation	Parole
Graduated Incarceration Caps with Hearing Before Court/BOPP		0-90 (45)	0-180 (90)
		0-60 (30)	0-120 (60)
		0-30 (15)	0-60 (30)
P.O. with Superv. & Expedited Court/BOPP Approval		(Maximum of 5 Days/30 Days) 2-5 Days Jail 1-3 Days Jail	
P.O. with Superv. & Court/BOPP Approval		Violator CCC Programs	
P.O. with Supervisor Approval		Violation Hearing Before Court/BOPP Up to 90 day Curfew GPS Electronic Monitoring Up to 72 Hours Home Restriction Treatment Resource Center Up to 16 Hours Community Service	
Probation/Parole Officer Sanctions & Responses		Up to 60 Day Curfew Travel Restriction Structured Living Increased Supervision Require Change in Residence Revision of Case Action Plan Increased Reporting/Testing Community Accountability Board Workshops Assignments Family Meeting Problem Solving Report Mentoring Program Develop Risk Avoidance Plan Letter of Apology Thinking Report Payment Schedule Adjustment Verbal Warning	

Exception(s) exercised by Court or BOPP (circle appropriate responding entity if both Court/BOPP are listed):

- Court/BOPP increased or decreased magnitude using Form 8.
- Court finds that execution of sentence previously imposed is warranted pursuant to 77-18-1(2)(e)(iii)(B).
- Court /BOPP jurisdiction over new criminal conviction.
- Court/BOPP finding that conduct presents a substantial and immediate threat to public safety which cannot be addressed through behavior modification sanctions.
- BOPP revocation for lying or engaging in criminal conduct prior to parole pursuant to 77-27-10(1)(b).
- BOPP GMI compliance pursuant to 77-16a-205.
- BOPP Parole Violation Hearing continued pursuant to Administrative Rule.
- BOPP Rescission pursuant to Administrative Rule.

“BOPP finding that conduct presents a substantial and **immediate** threat to public safety which cannot be addressed through behavior modification sanctions.”



Progress this Year & Moving Forward

- BOPP is committed to **implementing recommendations of the audit** and is working towards implementing the **NPRC guidelines**.
- BOPP and DOC collaboration with CCJJ leadership through NPRC and NGA to **implement best practices**.
- BOPP is focused on and working to use financial resources effectively. However due to the **size of the electronic conversion project** in relation to the size of the overall BOPP budget, additional ongoing **funds and resources** will be needed.
- BOPP has worked to **fully implement JRI** during the previous year. This process has led to the request for the **wording change of 'immediate'** to better and more effectively ensure community safety and assist offenders.



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